

CRIMINAL ACTION NO.: 5:03CR12-11-V

V.

Defendant.

THIS MATTER is before the Court on Defendant's letter dated May 2, 2005, requesting that the Court appoint an attorney to assist Defendant in filing his § 2255 motion. This Court construes Defendant's letter as a Motion for Appointment of Counsel.

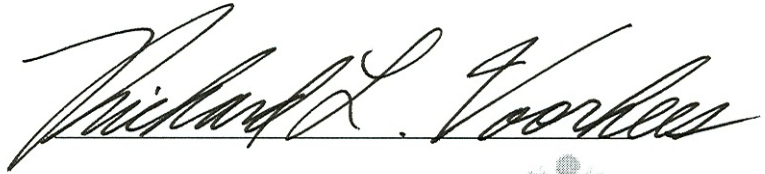
On February 25, 2003, Defendant was indicted on one count of conspiracy to possess with intent to distribute quantities of cocaine and cocaine base, in violation of 21 U.S.C. § 846. Defendant pled guilty to Count One on December 15, 2003, and was sentenced by this Court on June 14, 2004, to 210 months imprisonment. Judgment was entered on July 14, 2004. Defendant did not appeal this Judgment.

Defendant now requests that an attorney be appointed to assist him in filing his §2255 motion. According to § 3006A(a)(2), a Court may provide legal representation to an indigent applicant pursuing an appeal under § 2255 if “justice so requires.” Upon review of the Defendant’s motion, the Court finds Defendant has not presented circumstances to this Court warranting appointment of counsel in this case. Moreover, counsel is rarely appointed in other civil proceedings and typically are appointed only when such proceedings involve “exceptional circumstances.” See Whisenant v. Yuam, 739 F.2d 160, 163 (4th Cir. 1984). Defendant has failed to demonstrate the existence of any “exceptional circumstances” in this case. If Defendant can point to a change in

circumstances such that justice would require appointment of counsel, then the Court may reconsider this motion at that time.

IT IS, THEREFORE, ORDERED that Defendant's request for court-appointed counsel is hereby **DENIED** pursuant to 18 U.S.C. § 3006A.

Signed: May 16, 2005

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is written in a cursive style with a horizontal line underneath the name.

Richard L. Voorhees
United States District Judge

